

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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REGINA LEWIS,

Plaintiff,

– against –

CITY OF NEWBURGH, *et al.*,

Defendants.
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ORDER

20-CV-7973 (CS)

Seibel, J.

Since my last order, Plaintiff has left two abusive voicemails on my Courtroom Deputy's line. She did not join the pre-motion conference today, nor did she submit a letter requesting an adjournment. I would dismiss because of the abusive messages (which the Court and its staff do not have to tolerate), the violation of my order that Plaintiff not call chambers, or Plaintiff's failure to prosecute – but for the possibility that Plaintiff is incompetent. Based on the Second Circuit's order in *Lewis v. Newburgh Housing Authority, et al.*, No. 11-CV-3194 (LMS), the finding of Plaintiff's incompetency in that case, and Plaintiff's extreme, erratic and self-destructive behavior, I believe that I have an obligation to raise the competency question *sua sponte*.

All parties shall, no later than March 10, 2021, provide the Court with any information they possess regarding: 1) any competency proceedings involving Plaintiff that have occurred since September 29, 2017, which is the date the Court in No. 11-CV-3194 concluded that Plaintiff was incompetent; 2) any psychiatric or psychological treatment Plaintiff has received since that date, including the name, address, affiliation and phone number of any provider; and

3) any individual who might be willing to serve as guardian *ad litem* for Plaintiff if she is found to be incompetent.

Because the Court has been frustrated in its efforts to conduct a pre-motion conference, and because the competence issue should be resolved before any further proceedings occur, all deadlines other than the above are stayed until further order of the Court.

Plaintiff is again reminded that anything that Plaintiff wishes to be docketed or to be acted upon by the Court must be delivered to the Clerk of Court, mailed to the Pro Se Intake Unit, or emailed to Temporary_Pro_Se_Filing@nysd.uscourts.gov. The Court will disregard any communications that are not properly filed. Plaintiff is again ORDERED not to call chambers, and is advised that if she is found to be competent, she faces sanctions for contempt for violation of any Court order.

The Clerk of Court is respectfully directed to mail a copy of this order to Plaintiff.

SO ORDERED.

Dated: February 24, 2021
White Plains, New York



CATHY SEIBEL, U.S.D.J.